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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,648	05/24/2001	Lila Madour	27950-00444USPT	4541
27902	7590	06/23/2005	EXAMINER	
ERICSSON RESEARCH CANADA 8400 DECARIE BLVD. MONTREAL, QC H4P 2N2 CANADA			DUONG, DUC T	
			ART UNIT	PAPER NUMBER
			2663	
DATE MAILED: 06/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/865,648

Applicant(s)

MADOUR ET AL.

Examiner

Duc T. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-14,16-22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-10,14-18 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 3-5,11-13 and 19-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-6, 8-14, 16-22, and 24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 2, 8-10, 16-18, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lim (US Patent 6,404,754 B1).

Regarding to claims 1, 9, and 17, Lim discloses a method (fig. 3A) of providing packet data services comprising the steps of requesting S1 of packet-data services of a second network by a mobile station MS located in a first network (fig. 3A col. 6 lines 59-62; noted the first network is a radio data service network and the second network is the

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Internet); assigning S6 access resources (VPN set and connections) to the mobile station MS in an inter-working function RNC of the first network (fig. 3A col. 6 line 67 and col. 7 lines 1-2); negotiate and establish S7 via the inter-working function RNC a PPP link between the mobile station MS in the first network and a packet data service node PDGN in the second network (fig. 3A col. 7 lines 4-5); and providing S8 the packet data services to the user via the inter-working function by the packet data service node (fig. 3A col. 7 lines 5-6).

Regarding to claims 2, 10, and 18, Lim discloses the packet data serves as a network access server to the inter-working function (fig. 2 col. 4 lines 38-44).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dynarski in view of Illidge et al (U.S. Publishing 2002/0085514 A1).

Regarding to claims 6, 14, and 22, Dynarski discloses all the limitations with respect to claims 1, 9, and 17, except for the first network is a second-generation code-division-multiple-access network and the second network is a third-generation code-division-multiple-access network. However, Illidge discloses a method for switching packet data call from a 2G CDMA to a 3G CDMA network, or vice versa (Fig. 1A and 1B pages 1-2 paragraph 0010-0011). Thus, it would have been obvious to a person of

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ordinary skill in the art to employ a switching of packet data call from 2G and 3G CDMA networks, or vice versa as taught by Illidge in Dynarki's system to provide users with seamless coverage, wherein high-speed packet data transmission will not be terminated or interrupted when users roam from a 3G coverage to a 2G coverage, or vice versa.

6. Claims 8, 16, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim in view of Dynarski et al (US Patent 6,272,129).

Regarding to claims 8, 16, and 24, Lim discloses all the limitations with respect to claims 1, 9, and 17, except for an authentication, authorization, and accounting AAA server. However, Dynarski discloses an apparatus providing radio packet data services comprising a mobile station 14-16 accessing via the packet data service node 22, of authentication, authorization, and accounting (AAA) services from an AAA server 28 located in the second network (fig. 1A col. 5 lines 45-48). Thus, it would have been obvious to a person of ordinary skill in the art to employ an AAA server as taught by Dynarski in Lim's system to provide security and billing verification for users.

***Allowable Subject Matter***

7. Claims 3-5, 11-13, and 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or make obvious the step of or means for **“reuses by the packet data service node the previously-established point-to-point connection between the mobile station and the packet data service node**

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**following a handoff of the mobile station from the first network to the second network**", when the reuses is considered within the specific structure of the method recited in claim 1 or the device recited in claims 9 and 17.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD  
DD

  
RICKY NGO  
PRIMARY EXAMINER

6/22/05